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RIGHTS OF THE CHILD

Written statement submitted by the International Save the Children Alliance, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 1999]

GE.99-11426 (E)

1. The girl child

1. Save the Children would like to draw the attention of the Commission on Human Rights to the importance of girls' rights. The Convention on the Rights of the Child is a powerful instrument which we can use to improve the welfare of children and young people, but we must ensure that by defining rights in terms of children we do not allow the term child to become synonymous with boy. Similarly, if we only speak of women's human rights, the rights of girls can be neglected. It is our belief that to seize a great opportunity for change there must first be a change in the way adults value girls and protect their rights. The four principles of non-discrimination, the best interests of the child, survival and development, and participation enshrined in the Convention apply to both girls and boys. Therefore, these principles set out a clear uncompromising commitment to a girl's right to her development as an individual.

2. The principle of non-discrimination is relevant to all substantive articles of the Convention, including those relating to health, education, standard of living and protection of vulnerable groups of children. Wherever there is a gender bias in the degree of implementation, Governments are obliged to remedy that gap. This may mean, for example, that measures must be taken to increase the level of enrolment of girls in school and the number of girls staying on at school by reducing the obstacles to girls attending school, and to widen the opportunities for girls in terms of the quality of education, such as non sexist or gender role based education. Discrimination should also be tackled by working with both boys and girls on equality issues from an early age.

3. Considerable debate surrounds the interpretation of the "best interests" principle. In many social and cultural contexts, it is accepted that a girl's interests are subordinated to her family's wellbeing; from a very early age she is expected to care for younger siblings, to cook, to clean, to fetch fodder and fuel. Promoting the "best interests" of girls involves interventions based on a greater understanding of how particular norms are expressed in different cultural settings.

4. The rights of girls to survival and development in its fullest sense are violated at every stage of the life cycle, although this goes unrecognized or unopposed in many societies. Discrimination against girls starts before birth and in the early years where they receive less care in relation to health and nutrition in countries where son-preference is the norm. The early childhood period is particularly critical as a time when the groundwork for a girl's full development is laid. Therefore, the term "development" in this context should be broadly interpreted to include not just physical but intellectual, moral, emotional, spiritual and social development.

5. In the light of all these situations, concerted action is called for on the part of Governments and NGOs to promote the rights of girls and to improve the status of girls worldwide. In particular, Save the Children requests the Commission on Human Rights to:

(i) Urge all Governments to improve their reports on the implementation of the Convention on the Rights of the Child with

regard to the girl child and to investigate the needs in the field of ombudswork. A comprehensive review of the status of the girl child would be a relevant step in most countries in connection with the reporting process;

(ii) Urge all Governments to review existing legislation. With a view to promoting girls' rights and removing obstacles to their enjoyment, negative stereotypes should be removed from legal texts and laws which are based on implicit discriminatory thinking; for example, those setting the marriage age lower for females than males should be amended;

(iii) Urge all Governments to develop a national plan of action enhancing the rights of the girl child and identifying all sectors which are of strategic importance for reform.

2. Protection of children affected by armed conflict

6. Save the Children would like to draw the attention of the Commission on Human Rights to the subject of child soldiers, girls as well as boys. The ongoing recruitment and use of children in hostilities are rising. Approximately 300,000 child soldiers under 18 years of age are presently fighting in 36 armed conflicts around the world. While many are lawfully recruited, others are kidnapped or coerced into service. Continuing enlistment and deployment of children as fighters occurred during 1998 in, for example, Columbia, the Democratic Republic of the Congo, the Sudan, Sierra Leone and Sri Lanka.

7. During 1998, the International Save the Children Alliance intensified its advocacy efforts concerning child soldiers by means of participation in the Steering Committee of the International Coalition to Stop the Use of Child Soldiers. The Coalition's primary objective is the adoption of and adherence to, an optional protocol to the Convention on the Rights of the Child prohibiting the military recruitment and use in hostilities of any person younger than 18 years of age.

8. The protocol should reflect the true protection needs of children as supported by the growing body of Governments which have changed their recruitment laws and practices to ensure exclusion of under-18s from the armed forces, the increasing number of ratifications of the African Charter on the Rights and Welfare of the Child (which specifies the minimum age for recruitment and participation as 18 years), the decision of the United Nations Secretary-General that henceforth no United Nations Peacekeepers should be under 18 years of age and preferably not under 21 years.

9. The International Save the Children urges the Commission on Human Rights to:

(i) Renew the mandate for broad informal consultations to be undertaken by the Chair of the working group on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

(ii) To accept any text of a draft optional protocol produced by the Chair as a result of her consultations as the basis for any further negotiations on the protocol by the working group;

(iii) To urge all States to become parties to the Statute of the International Criminal Court as soon as possible;

(iv) To call on all States which have not yet set at least 18 years as the minimum age for all forms of recruitment and participation in hostilities, to reconsider their existing laws and practices with a view to (a) ensuring that they are in a position to guarantee that no peacekeepers provided to the United Nations will be below the 18-year minimum age prescribed by the United Nations Secretary-General, and preferably not below 21; and (b) reviewing the perceived need to recruit and use under-18s in military service and its compatibility with the current thinking and developing standards in relation to protection of children.

3. Elimination of the exploitation of child labour

10. The Save the Children Alliance would like to draw the attention of the Commission of Human Rights to the situation of working children in the world.

11. Save the Children engages systematically with child labour issues through project work, research and advocacy. Save the Children bases its work on the Convention on the Rights of the Child. In particular, it draws on article 32, which recognizes children's rights to protection from economic exploitation and hazardous and harmful work, on article 3 which mandates that all action affecting children must promote their best interest and on article 34, which affords protection against sexual exploitation.

12. The Save the Children Alliance vision is that hazardous and exploitative forms of child work should be eradicated. Achieving this goal requires coordinated action which addresses the fundamental economic and social causes of hazardous and exploitative child work on a number of levels. Save the Children urges Governments and international institutions to put resources behind their words and to undertake such action.

13. Addressing poverty, as well as other social inequalities, as a root cause is important in order to improve the quality of children's lives. In addition to poverty, other structural social inequalities, based on lack of relevant education, gender, ethnicity, age, class and caste, influence which children work, the kinds of work they do and their working conditions. These root causes must be addressed at the international, national and local levels.

14. Save the Children believes that the macro-economic context must be recognized as a significant cause of child work. For this reason, Governments' policies and interventions to address child work should incorporate an analysis of macroeconomic linkages, such as devaluation, inflation, liberalization of trade, currency, and how they link up with the microlevel impact on children's lives.

15. Working children and their families know their own immediate situations best, while NGOs concerned with child labour have unique experience in working with some of the most exploited children. Working children, their families and NGOs must therefore be included when formulating and implementing policy, planning and actions on child work.

16. Careful analysis of the cultural, economic and social context of child work should be undertaken before interventions for the benefit of children are considered. Intervention strategies must be based on a thorough understanding of the complexity of the reasons why children work in particular contexts.

17. Save the Children requests the Commission on Human Rights to:

(i) Urge Governments and international institutions to take coordinated action to eradicate hazardous and exploitative forms of child work;

(ii) Urge Governments to address root causes, such as poverty and other social inequalities, in order to improve the quality of children's lives, and to include analysis of macroeconomic linkages in policies and interventions concerning child work;

(iii) Request Governments, as well as other actors, to involve working children, their families and NGOs concerned with child labour in all policies, planning and actions concerning working children.

4. Children with disabilities

18. Save the Children would like to draw the attention of Commission on Human Rights to the subject of children with disabilities, girls as well as boys. Children with disabilities are especially vulnerable and for this reason it is important to consider the particular problems faced by them with a view to ensuring that their rights to the fullest possible social integration be respected. Education, development, recreation, participation, housing, transportation and institutionalization are among the key areas of discrimination faced by children with disabilities. It is estimated that only 2 per cent of these children in the developing world get any education. And throughout the world, where education is provided to children with disabilities, the practice of compulsory placement in segregated schools is widespread. Due to attitudes and beliefs, many disabled children are not included in society. Often disabled boys and girls are not given the opportunity to participate in play with their siblings and other children. Because of social and physical barriers, they are prevented from taking part in social events on the same terms as other children. Consequently, their experience and their opportunity to develop through coping and learning from and with others are limited. Negative attitudes in society often lead to abuse and neglect of the child. Experience shows that disabled children are particularly vulnerable to abuse in the family and in the community, as well as in institutions. For example, studies show that disabled children are three times more likely to be sexually abused than non-disabled children. Children with disability experience difficulties in defending themselves, as well as in reporting abuse. Abuse can delay and even inhibit the developmental process of the child.

19. The Convention on the Rights of the Child makes special mention of disabled children in article 23. However, every article in the Convention refers also the disabled child. The priority needs of disabled children are not "special", they are basic: disabled children need food, shelter, love and affection, protection, education. All the general and main principles of the Convention - non-discrimination, the best interest of the child, the right to survival and development, education and participation in decisions affecting themselves - are all highly relevant and strongly speak in support of integration and mainstreaming to make it possible for the disabled child to stay in the social context which is natural to him or her.

20. Therefore, Save the Children requests the Commission on Human Rights to:

(i) Urge all Governments to actively fight attitudes and practices, including traditional practices, prejudicial to health and development, superstition and the perception of disability as a tragedy, which discriminate against disabled children and deny them equal opportunities;

(ii) Urge all Governments to repeal and/or amend legislation which denies disabled children the equal right to life, survival and development; to eradicate discriminatory access to health services; and to respect and/or amend legislation which denies disabled children the right to education and which compulsorily segregates children in separate institutions for care, treatment or education

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